

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Engelhardt et al.

Serial No.: 10/713,183

Group Art Unit: 1634

Filed: November 14, 2003

Examiner: Salmon, K.

For: **PROCESS FOR SELECTIVE EXPRESSION OF NUCLEIC ACID  
PRODUCTS**

Confirmation No.: 5179

**INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.56, 1.97 and 1.98, Applicants submit herewith references which they believe may be material to the patentability of this application and with respect to which there may be a duty to disclose in accordance with 37 C.F.R. 1.56.

While the references may be "material" under 37 C.F.R. 1.56, it is not intended to constitute an admission that the references are "prior art" unless specifically designated as such.

The filing of this Information Disclosure Statement shall not be construed as a representation that no other material references than those listed exist or that a search has been conducted.

The references are listed in Form PTO SB08a (in accordance with the requirements of MPEP 609) and below. The references listed in the accompanying form PTO SB08a, which have not been made of record in the instant application, are US patent documents, foreign patent documents and non-patent literature made of record in the parent cases 08/182,621; 09/302,817; and 10/260/031, and in other related cases 09/302,816; 09/302,818; 09/727,349; 10/717,140; and 10/718,391. The non-patent literature includes Office Actions issued in related cases.

References not previously submitted and made of record in a parent case, and additional

references previously submitted and made of record in related cases but not in a parent case are submitted herewith. For Examiner's reference, this application is a division of application serial no. 10/260,031, filed June 6, 2003; which is a continuation of application serial no. 09/302,817, (abandoned); February 3, 1998; which is a division of application serial no. 08/182,621

#### **US Patents**

5374553	1994-12-20	Gelfand
5474916	1995-12-12	Reischl
5550035	1996-08-27	Moss
5591601	1997-01-07	Wagner
5994056	1999-11-30	Higuchi

#### **Non-Patent Literature**

COCHRAN et al. "Eukaryotic transient expression system dependent on transcription factors and regulatory DNA sequences of vaccinia virus" Proc. Natl. Acad. Sci. USA 82: 19-23. 1985

DAUBE et al. "Functional transcription elongation complexes from synthetic RNA-DNA bubble duplexes" Science 258: 1320. 1992

GAO et al. "Direct in vivo gene transfer to airway epithelium employing adenovirus-polylysine-DNA complexes" Human Gene Therapy 4: 17-24. 1993

JORGENSEN et al. "Specific contacts between the bacteriophage T3, T7, and SP6 RNA polymerases and their promoters." J. Biol. Chem 266: 645-651. 1991

KRIEG et al. "Functional mRNAs are produced by Sp6 in vitro transcription of cloned cDNAs." Nucleic Acids Res. 12: 7057-7070. 1984

KWOH et al. "Transcription-based amplification system and detection of amplified human immunodeficiency virus type 1 with a bead-based sandwich hybridization format" PNAS 86: 1173-1177. 1989

LOPATA et al. "RNA polymerase specificity of mRNA production and enhancer action" Proc. Natl. Acad. Sci. USA 83: 6677-6681. 1986

NEB BioLabs ([www.neb.com](http://www.neb.com) Recleavable Blunt ends)

PINE "Constitutive expression of an ISGF2/IRF1 transgene leads to interferon-independent activation of interferon-inducible genes and resistance to virus infection" J. Virol. 66: 4470-4478. 1992

WALKER et al. "Strand displacement amplification – an isothermal, in vitro DNA amplification technique." Nucleic Acids Res. 20: 1691-1696. 1992

WU et al. "Receptor-mediated Gene Delivery" J. Biol. Chem. 263: 14621-14624. 1988

App. Serial. No.10/717,140 [Attny. Dkt. No. Enz-52(C)(D3)] Final Rejection 2008-05-23

App. Serial. No. 10/718,391 [Attny. Dkt. No. Enz-52 (C2)] Non-final Rejection 2008-08-21

App. Serial. No. 10/718,391 [Attny. Dkt. No. Enz-52 (C2)] Non-Final Rejection 2009-04-15

App. Serial. No.10/717,140 [Attny. Dkt. No. Enz-52(C)(D3)] Non-Final Rejection 2009-08-19

App. Serial. No.11/809,443 [Attny. Dkt. No. Enz-52(C3)] Non-Final Rejection 2009-09-02

App. Serial. No.11/809,452 [Attny. Dkt. No. Enz-52(C4)] Non-Final Rejection 2009-09-02

App. Serial. No. 10/718,391 [Attny. Dkt. No. Enz-52(C2)] Final Rejection 2010-02-02

App. Serial No. 11/809,452 [Attny. Dkt. No. Enz-52(C4) Final Rejection 2010-05-27

App. Serial No. 11/809,443 [Attny. Dkt. No. Enz-52(C3) Final Rejection 2010-06-22

It is respectfully requested that these references be considered by the Patent and Trademark Office in its examination of the above-identified application and be made of record therein. The Examiner is also invited to contact the Undersigned if there are any questions concerning this paper or the attached references.

The Information Disclosure Statement submitted herewith is being filed

☒ after submitting the RCE but before any subsequent Office Action

☐ before the mailing date of a first Office Action on the merits

☐ after the mailing date of a first Office Action on the merits.

Respectfully submitted,

Date: July 25, 2010

/Cheryl H Agris/

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